

**REMARKS**

Claims 36-90 are pending in the application. As indicated above, claims 1-36, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 72-74, 79, and 85 have been cancelled.

**Rejections under 35 U.S.C. § 112, first paragraph:**

Claims 72-74 have been rejected under 35 U.S.C. § 112, first paragraph. According to the examiner, the specification provides too few species to justify these genus claims. Applicants disagree and believe that these claims are commensurate with the breadth of the disclosure. However, to expedite prosecution, claims 72-74 have been cancelled from the application as indicated above. Accordingly, this ground for rejection is now moot.

**Rejections under 35 U.S.C. § 112, second paragraph:**

Claims 72 and 73 stand rejected under 35 U.S.C. § 112, second paragraph, in view of the examiner's position that these claims are indefinite unless the claims are amended to recite the wash conditions used during the recited hybridization. However, as these two claims are now cancelled (see above), this ground for rejection is now moot.

**Rejections under 35 U.S.C. § 102:**

Claims 37, 39, 41, 45, 47, 49, 51, 53, 55, 57, 61, 63, 65, 67, 72-74, 79 and 85 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,242,586. Claims 37, 39, 41, 45, 47, 49, 51, 53, 55, 57, 61, 63, 65, 67, 72-74, 79 and 85 have been cancelled from the application as indicated above. Therefore, this ground for rejection is now moot.

## CONCLUSION

Claims 36, 38, 40, 42, 44, 46, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68-71, 75-78, 80-84 and 86-90 have been allowed. Claims 37, 39, 41, 45, 47, 49, 51, 53, 55, 57, 61, 63, 65, 67, 72-74, 79 and 85 have been rejected under 35 U.S.C. § 112 or § 102(e) or both. These latter claims have been cancelled from the application. Accordingly, the application is believed to be in condition for allowance and notification to this effect is respectfully requested.

Respectfully submitted,



Diana K. Sheiness, Ph.D.  
Attorney/Agent for Applicants  
Registration No.: 35,356  
Phone: (206) 265-4818  
Date: January 13, 2004

Please send all future correspondence to:

Immunex Corporation  
Law Department  
51 University Street  
Seattle, Washington 98101  
(206) 587-0430